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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/349,423	07/07/1999	HIROSHI MURAKAMI	31050.7US01	6603

7590

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EXAMINER

MORGAN, ROBERT W

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 04/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/349,423

Applicant(s)

MURAKAMI ET AL.

Examiner

Robert W. Morgan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 2/6/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

1. In the amendment filed 2/6/02 in paper number 15, the following has occurred: Claim 35 has been amended. Now claims 1-35 are presented for examination.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, 9-24 and 26-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,812,070 to Tagami et al.

(A) Claims 1-7, 9-24 and 26-34 have not been amended, and are rejected for the same reasons given in the previous Office Action (paper number 3), and incorporated herein. Further reasons appear hereinbelow.

(B) As per claim 35, Tagami et al. teaches a method for allocating one or more vehicles from a fleet of electric powered vehicles to one or more users, wherein each vehicle has a state charge (SOC) at any given time, the method comprising: receiving a travel request from a user and selecting a first group of one or more vehicles from the fleet, where each selected vehicle has a SOC sufficient to meet the travel request from the user is met by the user's past usage records which indicate shortest and longest travel routes and expected destination when selecting the appropriate vehicle to perform the trip (see: column 8, lines 27-34).

Tagami et al. fails to teach selecting a second group of N vehicles having the N highest SOC's of the vehicles within there first group, wherein N is predetermined positive integer

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greater than 1 and allocating to the user the vehicle having the highest SOC of vehicles in the second group but not the first group.

It is well known to allocate a vehicle having the N highest level of charge, since Tagami et al. teaches the concept of giving a vehicle a vehicle with minimum amount of charge to meet the user's need. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Tagami et al. to select a vehicle having the N highest charge since the vehicle with the N highest charge still meets the inventive concept of Tagami et al. for selecting a vehicle with a minimum amount of charge leaving the vehicle with most amount of charge still available with motivation of increasing the operating efficiency and minimizing the cost of electric motor vehicles for allocation (see: column 8, lines 27-34).

4. Claims 8 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,812,070 to Tagami et al. in view of U.S. Patent No. 5,726,885 to Klein et al.

(A) Claims 8 and 25 have not been amended, and are rejected for the same reasons given in the previous Office Action (paper number 3), and incorporated herein. Further reasons appear hereinbelow.

#### ***Response to Amendment***

5. Applicant's arguments filed 2/6/02 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response 2/6/02.

(A) In the remarks, Applicants argue in substance that Tagami et al. does not disclose, teach or suggest a vehicle sharing system wherein vehicle allocation is based on the user's immediate travel needs or intended use. The Examiner respectfully submits that Tagami et al.

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teaches that once a user registers to use the shared vehicle rental system and the registration information is stored on an IC card (see: column 2, lines 38-58). The IC cards also store records of the user past rental information including times at which the user rented a motor vehicle C, distances and times traveled, and fares, the rental information being record each time the user rents a motor vehicle C (see: column 5, lines 6-11). The user's past usage, which is stored on the IC card, determines the appropriate vehicle to meet the user's need when inserted into the card slot (48a, Fig. 6). Furthermore, the user's past usage is considered intended use or immediate need because every time a vehicle is selected for a user according to past usage the vehicle must be properly charged to satisfy that user's intended need. Therefore, Tagami et al. clearly indicates that user's past usage or user intended use are presented to the computer (60, Fig. 1) by the IC card and the appropriately charge vehicle is selected for the user.

### *Conclusion*

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Morgan whose telephone number is (703) 605-4441.

The examiner can normally be reached on 8:30 a.m. - 5:00 p.m. Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (703) 305-9588. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

RWM  
rwm  
April 7, 2003

  
JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600